



PLANNING COMMISSION

MINUTES

January 13, 2010

7:30 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Roy McAfee, Chair
Dr. Roy Gratz, Vice-Chair
Susan Spears, Secretary
Ricardo Rigual, Absent
Edward Whelan, III
Vic Ramoneda
Berkley Mitchell

CITY STAFF

Ray Ocel, Director of Planning

1. CALL TO ORDER

The January 13, 2010 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy McAfee.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MINUTES

- November 18, 2009, Planning Commission Minutes were approved 0987632 and adopted as submitted.

PUBLIC HEARING ITEMS

4. **SUP2009-16: Chaplin Youth Center** – Special Use Permit request to operate a group home for court involved youths ages 12-17 at the property located at 1705 William Street. This residential facility is proposed to accommodate up to 6 youth in need of an out of home placement in order to make behavioral changes to ensure successful reunification with their families. The property is zoned R-8, which permits Institutional Housing with a special use permit. The property is designated as transitional/office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel said that Chaplin Youth Center is requesting to operate a group home for court involved youths ages 12-17 at the property located at 1705 William Street. This residential facility is proposed to accommodate up to 6 youth in need of out of home placement in order to make behavioral changes to ensure successful reunification with their families. The property is zoned R-8, which permits Institutional Housing with a special use permit. The property is designated as transitional/office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

The existing house on the property is currently vacant and the property was improved recently when occupied by New Vision which ceased to operate last year due to a lack of funding. The house contains 3 bedrooms, 2 bathrooms and totals approximately 2500 square feet of floor area. It also contains a large living area, laundry room and dining room. The property contains 0.39 acres or 16,988 square feet of land area. The house sits in the middle of the property approximately 73' from William Street and 126' from the rear property line. The property is located on the north side of William Street between the Route 1/3 major intersection and Westwood Drive.

Currently, Chaplin Youth Center operates a 12 bed coed group home that operates in Stafford County for youth involved in the juvenile court system and on probation. All residents attend their home schools where their parents reside and the school they were attending upon admission to this program. In addition to providing housing, the program offers counseling, behavior management, life skills, academic support and advocacy, referral to outside human service agencies as needed, family support, transition services and any other services necessary to promote successful return to the community.

If the special use permit is approved for the proposed location, this location will accommodate up to 6 residents at any one time. Residents typically remain in the program for 90-days. Residents must be referred to the program through a court order or by an Intake Officer.

The property is zoned R-8 Residential which permits Institutional Housing with the issuance of a special use permit. The property is surrounded by property zoned CT, Commercial Transitional to the east (Centre Court offices); to the north by a section of the Buckner Street unimproved right-of-way; to the west by property zoned R-4 and improved with a single family house that is a rental unit; and to the south by William Street. The Westwood subdivision is located to the northwest of the property.

The house location survey depicts the layout of the property. The existing 1.5 story house contains three bedrooms and two bathrooms. A driveway leading up to the house from William Street provides access to the property as well as parking. As noted on the house location survey, this driveway and parking area are located within the unimproved right-of-way for Avenue I. An existing vegetative buffer is located between this property and the Centre Court office building that will provide a year round screen. Other mature vegetation is present on the property and is scattered throughout the property. Overall, the property was maintained and brought into much better shape when New Vision occupied the property the past 2 years.

Special use permits are evaluated utilizing the criteria contained within section 14-704 of the Zoning Ordinance and they include:

- (a) The proposed special use at a specified location shall be:
 - (1) In harmony with the adopted comprehensive plan;
 - (2) In harmony with the purpose and intent of the zoning district regulations;
 - (3) In harmony with the existing uses or planned uses of neighboring properties.
 - (b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.
- (a) (1) In harmony with the adopted comprehensive plan.

The future land use map contained within the Comprehensive Plan designates this property as Transitional/Office. The property to the south, across William Street is planned as Low Density Residential; the property to the east is planned as Transitional/Office; the property to the west is planned as Transitional/Office and the property to the north is planned as low density residential. The property lies within Land Use Planning Area 3: Route 3/Cowan Boulevard. The Plan does not provide specific language or recommendations on pages 113 and 114 nor does the list of key issues stated on page 109 address this property.

Policies in the Housing section include:

17. Coordinate the institutional structure through which housing and services are provided, to ensure maximum efficiency and service to citizens.

The City Manager's letter of September 30, 2009, explains how these services are provided at this time and the City's financial commitment. The City Manager states in his letter that he does not believe that operating this facility outside the Rappahannock Juvenile Center will provide any cost savings to the City and any request for additional funding will be treated as a new program in the upcoming budget. Given the present and immediate future economic outlook, it is unlikely that any new programs will be funded by the City.

(a) (2) In harmony with the purpose and intent of the zoning district regulations.

The intent section of the R-8 was established to provide for a planned mixture of single family detached and attached dwelling types at a density not to exceed eight dwelling units per acre. Compatible development in this district would be sensitive to land physiography, public infrastructure and facilities, transportation access requirements, and vulnerable environmental features in achieving optimal siting of dwellings, open space, recreational and community facilities and transportation systems.

The corresponding uses permitted by right and by special use permit contribute towards meeting the intent of the district. Residential uses with a density of up to 8 units per acre is included within the use by right list because it is an appropriate density in certain locations of the City. The R-8 district regulations permit the construction of multi-family dwellings and single family attached dwellings by right at a density not to exceed 8 units per acre.

The applicant provides within the application that the project will maintain the one existing unit on the property. Institutional housing, in certain situations where the density or number of people residing in a residence is similar to a single family attached or detached house would meet the intent of this district. Services provided as noted in this application would have to be taken into consideration as well as staffing when determining conformance and compatibility within the district.

(a) (3) In harmony with the existing uses or planned uses of neighboring properties.

The existing land uses in this area of the City include both single family houses and commercial offices all located off a major thoroughfare. The property, according to the application had a house built on it in 1945 and has been occupied as a single family house since that time but is now vacant. The property is relatively large at 17,000 square feet and sits almost directly in the middle of the property which provides a good separation of distance between the house and any adjacent uses.

The future land use map contained within the Comprehensive Plan designates this property as Transitional/Office as is the office to the east. The other properties in the immediate area have a future land use designation as low density residential. Staff is not aware of any planned projects in the area although several proposals have been discussed involving the adjacent properties to the west. The construction of the Centre Courts office building is the most recent development in

the area. The Planning Commission approved a preliminary subdivision plat for a townhouse project located north of the Centre Court offices in 2006. *However, no final subdivision plat was ever submitted.* It is not anticipated that any other existing land uses in the area will change appreciably in the near future unless the future land use designations change.

(b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

The exterior of the house will not be changed but the applicant states that the property will continue to be cleaned up as will the entire property.

Since the house is situated near the center of the property, its location provides a good distance to any of its neighbors to the north and south. An unimproved 60' wide right-of-way identified on the attached tax map as Avenue I is situated directly to the west of the subject property and provides a buffer to the next house located at 1707 William Street. Another unimproved right-of-way, Buckner Street, adjoins the property to the north thereby limiting its visibility from surrounding properties.

The neighboring large single family lots to the west that contain single family houses have been the subject of discussion regarding their future potential development but no proposal has been made on those properties. Given the size of the subject property combined with surrounding rights-of-way and the large surrounding lots are configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

If the Planning Commission recommends approval of the application, the following conditions are recommended:

1. That the house be occupied by not more than 6 youth at any one time that have permanent residence in the City or the Counties of Stafford or Spotsylvania.
2. That the facility have 24-hour a day on-site supervision provided by Chaplin Youth Services staff and/or other qualified person.
3. That the existing vegetative buffer along the eastern property line be maintained.
4. That the proposed use of the property is permitted only so long as it continues and is not discontinued for more than two years.
5. The use of the property as an institutional use shall commence within six months of the date of the adoption of the City Council resolution.
6. That the property be operated by Chaplin Youth Services as long as the facility is operated as proposed in the special use permit application.
7. That the youths in residence at the facility not have vehicles/cars due to limited parking on the property.
8. That any services offered within the house only be available to current residents. No large functions, meetings or graduations shall be held on the premises.
9. Residents may reside in the residence no longer than 90-days.
10. Residents must be referred to the program through a court order or an Intake Officer.

Mr. Ramoneda noted that the staff report Commissioners received indicated the stay would be 9-12 months. He asked if this has since been changed to a maximum of 90-days stay.

Mr. Ocel said the application had asked for a 90-day stay and that at the time of composing the memo he had misread the application.

Mr. Mitchell asked staff to explain what type of program existed during the previous use, when New Vision occupied the subject property since he was not a Commissioner at the time of that SUP approval.

Mr. Ocel said New Vision's program was for women transitioning back into society after incarceration. He said New Vision offered life skills for these occupants in order to ensure a smooth transition back into the community. The program offered these services to a maximum of 6 women, with similar conditions as suggested for the current application.

Dr. Gratz noted that the staff report indicates the current facility is coed and asked for clarification as to whether the proposed facility also intends to be a coed facility.

Mr. Ocel said it is his understanding from the application that the proposed facility indeed intends to be coed.

Dr. Gratz asked if youth in the proposed program are violent offenders or non-violent.

Mr. Ocel said he would allow the applicant to answer that question during her comments.

Mr. Whelan asked where the closest FRED bus stop would be in relation to this facility.

Mr. Ocel said he would check and get back to Mr. Whelan.

Mr. McAfee noted that when the Planning Commission approved New Vision that he had had concerns regarding R-8 neighborhoods being what seemed targeted for institutional housing uses and that in this particular area there had already been one or two such uses. However, he said, what tipped the scale for him was that the women being selected to participate in the New Vision program were *selected* as being qualified to participate, based on their good behavior, which made him more comfortable with making a decision to approve their permit. In this particular case, he said, we do not know much background regarding the potential residents.

Ms. Kristin Van Tine, Chaplin Youth Center, said she wanted to address the condition stating the participants are permitted no longer than 90-days. She said the 90-day stay for participants would be at their current facility in Stafford, and then transition to this new proposed location on William Street for a stay of up to six months. She said the entire program is 9 – 12 months. Ms. Van Tine read the excerpt from their application in the hope to clarify: *"It is our intention to place the Shelter Care and Orientation residents in CYC's existing facility and use the 1705 William Street property to place residents who have demonstrated compliance and successful progress towards completion of the program. The emphasis will be on successful transition home, employment and continued academic success."*

Mr. McAfee said he wanted to clarify exactly the time needed for this program at the proposed address.

Ms. Van Tine said she would like the approval to be based on an "up to six (6) months max stay."

Ms. Van Tine addressed Mr. Whelan's concern regarding the closest bus stop to the proposed facility. She said staff transports participants to all places and are supervised 24-hours a day. She also addressed Dr. Gratz question regarding coed residents. She said it would be a coed facility at this point and, again, supervised 24-hours a day. Also, she said they do not allow violent offenders to participate.

PUBLIC COMMENT

Mr. Chester Ograbisz, 1707 William Street, said he is located directly next door to the proposed use. He said he travels quite a bit and is concerned that his wife would be alone much of the

time. He said New Vision was a good neighbor and that they had extremely strict by-laws and rules for residents of the facility. He asked if the proposed use would also have such by-laws/rules in place. Also, he said, the 1801 William Street facility, up the street, which is also institutional housing has a lot of police activity and he is concerned as to whether this proposed facility would have the same problems, especially since the residents would be youths.

Ms. Elizabeth Miller Campbell, 84 Millcreek Court, Charlottesville, VA 22902, Executor and Trustee for the Katherine Miller Estate, said they own 22 lots directly north of the proposed property and have several concerns.

One, she said, is that the staff report incorrectly indicates that they had never submitted a final subdivision plan for the townhouses. She said they submitted a final plan on May 10, 2007.

Second, she said, the proposed facility said they will have approximately four staff members and family will be permitted to visit patrons on the premises. She said she is concerned regarding parking and would like the city to make sure there is ample parking for these workers and visitors. She indicated that once the townhouses are built on their property that she did not want patrons/visitors of the proposed facility to be utilizing their parking lot/spaces.

Third, she said, she is concerned about the residents' background and that these youth may not have the same motivation as the previous tenants (New Vision) to become viable, respected members of the community.

And, lastly, she said she is concerned that the applicants be asked not to discard debris (trees, brush, trash) onto their property as the former owners had done by bringing truck loads of debris and dumping it on their property.

Mr. Robert Miller, 1320 Parcell Street said he thinks this is a bad use for the property and an inappropriate area to operate such a facility, which he fears may limit the use of their property. He said the driveway is dangerous and awkward and that he believes patrons of the facility will eventually think they are able to use the parking on their property once the townhomes are built. He said he is not happy with the current proposal.

Mr. McAfee asked Mr. Ocel to address the parking concerns raised.

Mr. Ocel said from what he is hearing the concerns are whether adequate parking is provided for the subject facility. He said, as with New Vision, residents will not be permitted to have a vehicle and that only staff and visitors would utilize the existing parking. He noted there have been no problems in the past but that he would check again and re-visit the property and get back to Mr. McAfee.

Mr. Whelan asked how many current parking spaces exist.

Mr. Ocel said there a parking area exists that does not include a lot with lines as with a commercial use.

Ms. Van Tine said there would be no more than two (2) staff members on duty at any given time – 1 staff person during the day – 2 during the evening – 1 overnight. Any functions held would be held at the current facility in Stafford. She said all residents (youth) go to school and are not free to roam. She indicated they have operated for 16 years and do not have issues with the children other than an occasional run-away, perhaps 1 per year. She said these youth are very motivated and their goal is to be able to go back home.

Mr. McAfee asked if the facility would have strict by-laws/rules.

Ms. Van Tine said yes, that they have an entire booklet which outlines the rules.

Mr. McAfee asked Ms. Van Tine to perhaps provide the neighbors with a copy of that booklet so that they are aware of them.

Mr. McAfee asked Ms. Van Tine to address the issue of trash.

Ms. Van Tine said their facility would utilize the youth to do all inside and outside work needed on the premises. She indicated that the previous use, New Vision, had already taken care of the outside and that they would certainly continue to maintain the aesthetics of the property.

Members of the family of the Katherine Miller Estate that commented earlier said that the problem is that it was New Vision that dumped the debris on their property after they cleared the subject property.

Mr. McAfee informed those members of the public that a property owner has the same policing and compliance resources available regardless of a special use permit being issued. However, a special use permit does provide them extra leverage if their concerns are not addressed.

Mr. McAfee asked Ms. Van Tine if the property would be theirs to use for one year.

Ms. Van Tine said this is correct because that is how long the funding will exist but that they hope to acquire additional funding to continue with the much needed use.

Mr. Whelan asked about the occupancy of the other institutional housing facility located in this area.

Mr. Ocel said it is a group home that is licensed by the State, which is permitted BY-RIGHT to have up to eight residents, in any single-family residential facility.

Being no further public comment or commissioner comment, Mr. McAfee closed the public hearing portion of the meeting.

UNFINISHED BUSINESS/ACTION ITEMS

- None

OTHER BUSINESS

5. Planning Commissioner Comments

- None

6. Planning Director Comments

- Mr. Ocel provided Commissioners with the details of the January 12, 2010 work session between City Council and University of Mary Washington representatives, which discussed future plans, expansions, pedestrian/vehicular traffic studies, etc. He said the University Board would like a final report by mid April. Mr. Ocel said he would provide Commissioners with a copy of this final report once completed.
- Mr. Ocel provided handouts of recent Zoning Ordinance Amendments; copies of a report that went to City Council regarding short-term priorities for the Economic Development Department; and a copy of a memo to City Council discussing basics for proposed new locations for the Court facilities.

MEETING ADJOURNED



Roy McAfee, Chair